REMARKS

Claims 1-17 are now pending in the application. Claims 1-17 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lincoln (U.S. Pat. No. 6,005,866). This rejection is respectfully traversed.

A. Regarding Claims 1-5, Applicant respectfully submits that Lincoln does not describe, show or suggest all the recitations of amended Claim 1. For example, Applicant respectfully submits that Lincoln does not describe, show or suggest a method for controlling data flow using a leaky bucket data flow control scheme that includes adjusting an amount of information transmitted to and from a leaky bucket *using a granularity scalar parameter in a leaky bucket data full ratio* of the leaky bucket data flow algorithm, *the leaky bucket data full ratio indicating a current amount of data in a leaky bucket in relation to a maximum data capacity of the leaky bucket*, and *the granularity scalar parameter modifying the indication of the leaky bucket data full ratio*.

Rather, Lincoln describes a method of dynamic connection rate scheduling with fine granularity for ABR modes of traffic by adjusting *the rate for a connection* in response to feedback, whereby *I and L parameters* associated with a leaky bucket algorithm can be adjusted to change *the rate for a connection* for ABR modes of traffic. Additionally, ABR manager 44 can also adjust the *rate for a connection* utilizing the ABR mode of traffic in response to feedback. Manager 44 can write *new I and L parameters* which are stored in memory 48 to adjust the *connection rate* according to a bucket algorithm.

Thus, Lincoln does not describe, show or suggest adjusting an amount of information transmitted to and from a leaky bucket using a granularity scalar parameter in a leaky bucket data full ratio of a leaky bucket data flow algorithm that controls the flow of information to and from the leaky bucket, wherein the granularity scalar parameter modifies an indication of a current amount of data in the leaky bucket in

relation to a maximum data capacity of the leaky bucket, the indication being provided by the leaky bucket data full ratio.

Additionally, during a very appreciated conversation with the Examiner on February 25, 2008, the Examiner indicated that amendments to the claims to more clearly define the terminology and scope of the claims would overcome the cited reference and put the claims in condition for allowance. Applicant believes that the present amendments to Claim 1, as set forth above, address the Examiner's concerns and are in accordance with amendments discussed during the phone conversation that the Examiner conditionally agreed would overcome the cited reference and put the claims in condition for allowance.

Therefore, for at least the reasons set forth above, Applicant submits that Lincoln does not describe, show or suggest the recitations of amended Claim 1. Accordingly, Applicant submits that amended Claim 1 is patentable over Lincoln and in condition for allowance.

Claims 2-5 depend from amended Claim 1. Accordingly, when the recitations of Claims 2-5 are considered in combination with the recitations of amended Claim 1, Applicant submits that Claims 2-11 are likewise patentable over Lincoln and in condition for allowance.

B. Regarding Claims 6-12, Claim 6 has been amended, as set forth above, to recite limitations similar to those recited in amended Claim 1. Therefore, Applicant submits that, at least for the reasons set forth above with regard to amended Claim 1, amended Claim 6 is also patentable over Lincoln and in condition for allowance.

Claims 7-12 depend from amended Claim 6. Accordingly, when the recitations of Claims 7-12 are considered in combination with the recitations of amended Claim 6, Applicant submits that Claims 7-12 are likewise patentable over Lincoln and in condition for allowance.

C. Regarding Claims 13-17, Claim 13 has been amended, as set forth above, to recite limitations similar to those recited in amended Claim 1. Therefore, Applicant

submits that, at least for the reasons set forth above with regard to amended Claim 1, amended Claim 13 is also patentable over Lincoln and in condition for allowance.

Claims 14-17 depend from amended Claim 13. Accordingly, when the recitations of Claims 14-17 are considered in combination with the recitations of amended Claim 13, Applicant submits that Claims 14-17 are likewise patentable over Lincoln and in condition for allowance.

For at least the reasons set forth above, Applicant respectfully requests that the §102 rejections of Claims 1-17 be withdrawn.
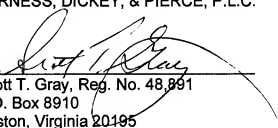
CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: _____

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